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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,174	05/24/2000	Ravi V. Condamoor	NH-2	5012

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EXAMINER

BUI, THACH H

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 08/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/578,174

Applicant(s)

CONDAMOOR ET AL.

Examiner

Thach H Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

The specification is objected to because there is missing information regarding the serial number (page 11).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 3, 5, 8, 10, 12 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claim 3, "a first portion of the net value", and "a second portion" are not mentioned clearly in the specification.

Regarding claim 5, "a third portion" is not mentioned clearly in the specification.

Regarding claim 8, "a base value" is not mentioned clearly in the specification.

Regarding claim 10, "a trading protocol" is not mentioned clearly in the specification.

Regarding claim 12, "a particular combination" is not mentioned clearly in the specification.

Regarding claim 18, "an exchange allocation" is not mentioned clearly in the specification.

Regarding claim 18, "a remainder of the cumulative net value" is not mentioned clearly in the specification.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are replete with informalities too numerous to mention specifically. The following noted informalities are merely exemplary thereof. The claims should be revised to conform to U.S. Patent Office practice.

Claim 1 is vague and indefinite because there is no clear or proper antecedent basis for "true value". What is a true value? According to the specification, there is no true value because the price of a ticket, mentioned in the specification can be at two different values depending on the circumstances. Is there a true value in the trading system? See other claims for the same informality.

Claim 1 is vague and indefinite because "trade manager generating a net value as a difference of the buyer true values and the seller true values" renders the claim unclear. How? According to the claimed invention, the true value managers coupled to the trading agents of which also coupled to trading partners whom provide or consume

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trading elements, and therefore, they all know the true values of trading elements. If they do, how does the revenue manager generate revenue if everything is being trade at true values? (A net value is defined as the difference of the buyer true values and the seller true values).

Claim 1 is vague and indefinite because "the net value among the trading partners representing the buyers and the sellers, whereby the net value is allocated among buyers and sellers" renders the claim unclear (idiomatic English). This does not make sense.

Claim 1 is vague and indefinite because "the true values being defined by a trading partner to represent value of the trading elements as perceived by the trading partner" renders the claim unclear. What is the system for a trading partner to go by in order to represent value of the trading elements?

Claim 2 is vague and indefinite because there is no clear or proper antecedent basis for "wherein the buyer pays less than the buyer true value for the trading system". How? If indeed it is true; then, the seller will not have a net value.

Claim 2 is vague and indefinite because the entire claim does not make sense.

Claim 4 is vague and indefinite because there is no clear or proper antecedent basis for "the first portion and the second portion are equal". What is the first portion? What is the second portion? Why are they equal? And, Is it always equal?

Claim 5 is vague and indefinite because "whereby the electronic exchange receives a portion of the net value" renders the claim unclear. How big is the portion? And what determined the "portion"?

Claim 6 is vague and indefinite because “the true values vary with attributes of the trading elements” renders the claim unclear. Base on this sentence, should “true values” be called true values? Should it be just “the values” of the trading elements vary with attributes? See claim 25 for the same informality.

Claim 7 is vague and indefinite because there is no clear or proper antecedent basis for “the trade manager maximizes net value when selecting attributes of the trading system”. How? And which attributes will be the decisive factor?

Claim 12 is vague and indefinite because “true values representing differing valuations the trading partner places on the trading element when modified by attributes” renders the claim unclear. Base on this sentence, should “true values” be called true values? Should it be just “the values” of the trading elements vary with attributes?

Claims 12 is vague and indefinite because there is no clear or proper antecedent basis for “attributes”. What are they? See other claims for the same informality.

Claim 14 is vague and indefinite because “the attributes are associated with attributes values, the attribute values defining a configuration of an attribute of the trading element” renders the claim unclear. This sentence does not comprise a clear meaning.

Claim 17 is vague and indefinite because it does not make sense. What does the claim try to address?

Whereas the claims are so informal as indicated above, the examiner could not reasonably apply prior art thereto. Unless indicated otherwise, the examiner’s failure to

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apply prior art to the claims should not be construed as an indication of allowable subject matter.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wilson (U.S. Patent No. 5,864,827) is cited to show a trading system comprising multiple trading partners coupled with a broker/trading agent. The system includes computer programs means for allocating the net value of an electronic exchange, and the system also indicates the values of the trading elements.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thach H Bui whose telephone number is 703-305-0063. The examiner can normally be reached on Monday-Friday, 7:30-4 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantzy Poinvil can be reached on 703-305-9779. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5711.


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T.B.

August 1, 2002


FRANTZY POINVIL
PRIMARY EXAMINER
AU 3628